

COLORADO MEDICAL BOARD

FULL BOARD OPEN MINUTES

February 17, 2011

9:10 a.m.

A Full Board meeting of the Colorado Medical Board was held Thursday, February 17, 2011, at 1560 Broadway, Conference Room 1250C, Denver, Colorado at 9:10 a.m. The meeting was noticed in accordance with Division policy.

Present were Dr. Allen-Davis, Mr. Berson (departed at 3:32 p.m.), Dr. Butler, Dr. Calonge, Dr. Groce, Ms. Hewitt, Mr. Jennings, Mr. Kirkpatrick, Dr. Matthews, Dr. Melendez, Dr. Overholt (arrived at 9:17 a.m., and departed at 3:32 p.m.), Dr. Phelps (departed at 3:15 p.m.), Dr. Salvatore, Dr. Utt (departed at 2:00 p.m.) and Dr. Watts (departed at 3:37 p.m.).

The meeting was conducted by Dr. Allen-Davis

Also in attendance for all or part of the meeting were Richard Morales, Healthcare Section Director; Cory Everett and Katie Granquist, Continued Competency Specialists; Marschall S. Smith, Program Director, Lisa Jackson, Enforcement Program Manager, Monica Brion, Enforcement Case Manager; Maria Soto, Program Assistant; and Eric Maxfield, First Assistant Attorney General.

MINUTES

A motion was made, seconded, and carried to approve the open minutes of the November 18, 2010 full board meeting as presented.

REPORTS

President's Report

- Dr. Allen-Davis updated the Board regarding today's meeting agenda.

Section Director's Report

- Richard Morales provided the Board an update on three House Bills.
- Mr. Morales also talked about the Board recruitment process.

Program Director's Report

None presented.

GENERAL BUSINESS

Election of CMB President and Vice-President

Dr. Watts was elected as the new President of the Board and Dr. Butler was elected as the new Vice-President of the Board. The newly elected officers will assume their duties after the May 19, 2011 Full Board meeting.

CPHP Second Report for period ending December 31, 2010

The Board reviewed the December 31, 2010 Second Quarter Report.

A motion was made, seconded and carried to accept the report.

Discussion regarding request from COPIC in reference to medical malpractice insurance

A motion was made, seconded and carried to table this matter.

A second motion was made, seconded and carried to instruct staff to conduct research into the matter and report back to the Board.

Discussion regarding the maintenance of licensure

Christine Lamourex, M.D., Colorado Medical Society, Eddie Sonn, Senior Director of Public Affairs, Colorado Medical Society and Steven Berson, J.D., Public Member, Colorado Medical Board, facilitated a discussion regarding the maintenance of licensure.

A motion was made, seconded and carried to instruct the Program Director to develop a workgroup inviting the Colorado Medical Society to participate in the workgroup.

Results of NPATCH's research regarding some policy issues around telephone triage matters

Maureen Hartlaub, Taskforce Director, Nurse-Physician Advisory Taskforce of Colorado Healthcare (NPATCH), shared the results of the research conducted at the request of the Board. No action was required.

Motion to enter Executive Session

A motion was made, seconded and carried to enter into Executive Session at 11:23 a.m., for the purpose of conferring with counsel for the Board to receive legal advice on specific legal questions, pursuant to Colorado Revised Statutes Section 24-6-402(3)(a)(II), specifically:

For counsel's advice concerning legal implications regarding responses to the Colorado Department of Public Health and Environment's (CDPHE) request for Board action in relation to the CDPHE medical marijuana rulemaking.

At 11:52 a.m., the Board's discussion in Executive Session was concluded and the Board returned to open session.

Request for clarification letter from the Colorado Department of Public Health and Environment (“CDPHE”) regarding the term “in good standing” with attention to how the term has and/or is used by the Colorado Medical Board and how CDPHE intends to use the term for its purposes regarding the regulation of medical marijuana

Anne Hause, Director, Office of Legal and Regulatory Affairs, CDPHE, presented the request to Board.

A motion was made, seconded and carried to issue a response to CDPHE.

A second motion was made, seconded and carried to instruct staff to develop a letter to be signed by the Board President and provide the letter to CDPHE as soon as possible.

Adjourn for lunch

The Board adjourned for lunch.

Discussion and Review of Board Policies

After due consideration, a motion was made, seconded and carried to accept the recommended changes to Board Policy 10-16. Dr. Melendez opposed the motion.

A second motion was made, seconded and carried to repeal Board Policies 40-20, 40-21, and 40-22 effective immediately.

A third motion was made, seconded and carried to table consideration of Board Policy 20-11.

A fourth motion was made, seconded and carried to table consideration of Policy 10-14 and to create a workgroup inviting the Colorado Physician Health Program (CPHP) and Pinnacol Assurance to participate in the review of the policy. The Board requested this Policy be presented at the May 2011 meeting. Mr. Jennings, Dr. Groce, Dr. Salvatore, Dr. Watts and Dr. Allen-Davis agreed to participate in the workgroup.

A fifth motion was made, seconded and carried to table consideration of changes to Policy 10-01 and the Board instructed staff to track and monitor settlement amount data for six months involving malpractice reports above \$100,000. The Board requested staff to report the results to the Board at its November 2011 meeting.

Motion to enter Executive Session

A motion was made, seconded and carried to enter into Executive Session at 2:48 p.m., for the purpose of conferring with counsel for the Board to receive legal advice on specific legal questions, pursuant to Colorado Revised Statutes Section 24-6-402(3)(a)(II), specifically:

To receive legal advice concerning the legal implications of medical marijuana in relation to the Board's rulemaking and licensing authority.

At 3:37 p.m., the Board's discussion in Executive Session was concluded and the Board returned to open session.

Other Business

A motion was made, seconded and carried to create a subcommittee on medical marijuana and to invite the Colorado Medical Society to participate in the workgroup.

A second motion was made, seconded, and carried directing staff to develop a Board Rule regarding the Board's position of a Colorado Medical License held in "Good Standing". The proposed Rule is to be considered at the May 19, 2011 meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at 3:42 p.m.

Approved by: Jandel Allen-Davis, M.D.

Date: May 19, 2011